

SUMMARY

City of Carrollton Mayor and Council Meeting

March 2, 2009

6:00 p.m.

**Public Safety Complex, Court/Council Chambers, 115 West Center Street,
Carrollton, Georgia**

I. CALL TO ORDER

The Mayor and City Council met in regular session on Monday, March 2, 2009 at 6:00 p.m. at the Public Safety Annex Building, 115 West Center Street, Carrollton, Georgia. Mayor Garner called the meeting to order at 6:00 p.m. Members present: Mayor Wayne Garner, Councilmember Peter Balega, Councilmember Gerald Byrd, Councilmember Rusty Gray and Councilmember Mandy Maierhofer. At this time, Mayor Garner explained the meeting procedures to meeting attendees.

At this time, Mayor Garner announced that Item 7 on the Agenda: Resolution 03-2009: Moratorium on Outside Advertising Signs would not be presented.

II. INVOCATION

Councilmember Byrd offered the invocation.

III. CITIZEN COMMENTS

Mr. Earl Phillips spoke regarding the War on Drugs and advised that local schools would not allow him to speak on the matter. In addition, Mr. Phillips spoke about the economic downturn and suggested ways to help; including: planting a garden on his property and hiring teenagers to work. Mr. Phillips also mentioned the much needed repairs at Miss Nell Meadow's residence, the City's longest living citizen who recently celebrated her 110th birthday. In addition, Mr. Phillips also suggested that the third week in February each year be recognized as "Teacher Appreciation Week". Mayor Garner advised that the City could certainly do that.

IV. MINUTES (February 2, 2009)

Motion by Councilmember Byrd, seconded by Councilmember Gray to approve the Minutes of the February 2, 2009 meeting of the Mayor and Council. Motion passed (5-0).

V. ITEMS OF DISCUSSION

1. Rezoning Request: Rezone from C-2 (General Commercial) to R-15 (Single Family Residential)

**Property Location: 612, 616, 620 Alabama Street
Petitioner: Ron Price on behalf of Nathan Price**

A public hearing was held to receive citizen input on a request from petitioner Ron Price on behalf of Nathan Price to rezone property located at 612, 616, 620 Alabama Street from C-2 (General Commercial) to R-15 (Single Family Residential). PZA Charles Griffin advised that the Planning Commission has recommended approval of the rezoning request. At this time, Mayor Garner opened the public hearing to receive citizen input. Those speaking in favor: Petitioner Ron Price stated that the old building on the property had been torn down and a new home had been constructed. Mr. Price stated he wanted to rezone the property R-15 to bring the property in line with the surrounding properties, which are zoned R-15. Those speaking opposed: None. At this time Mayor Garner closed the public hearing and inquired to the wishes of the Council on the item. **Motion by Councilmember Gray, seconded by Councilmember Maierhofer to accept the Planning Commission's**

recommendation and rezone property located at 612, 616, and 620 Alabama Street C-2 General Commercial to R-15 (Single Family Residential). Motion passed (5-0).

2. Rezoning Request: Rezone from R-O-I (Residential Office Institutional) to C-2 (General Commercial)

Property Location: 773 South Park Street

Petitioner: Jimmy Warren on behalf of Greg Gowens

A public hearing was held to receive citizen input on a request from petitioner Jimmy Warren on behalf of Greg Gowens to rezone property located at 773 South Park Street from R-O-I (Residential Office Institutional) to C-2 (General Commercial) for the purpose of relocating the Good Year Tire Center on the property. PZA Charles Griffin advised that the Planning Commission has recommended denial of the rezoning request. At this time, Mayor Garner opened the public hearing to receive citizen input. Those speaking in favor: Petitioner Jimmy Warren stated that a company was interested in the property if rezoned. Mr. Warren noted that the business would have generated more revenue in taxes than as currently zoned. Those speaking opposed: Dr. Donald Wagner, on behalf of neighborhood residents, spoke opposed to the rezoning and expressed appreciation to the Mayor and Council for returning the issue to the Planning Commission for reconsideration. At this time, Mayor Garner closed the public hearing and inquired as to the wishes of the Council on the item. **Motion by Councilmember Gray, seconded by Councilmember Maierhofer to accept the Planning Commission's recommendation and deny rezoning property located at 773 South Park Street from R-O-I (Residential Office Institutional) to C-2 (General Commercial). Motion passed (5-0).**

3. Resolution 02-2009: 2009 CDBG West Carrollton Wellness & Success Center

City Manager Coleman (as requested by Carrollton Housing Authority Executive Director Sandra Morris) presented for consideration Resolution 02-2009 to receive approval to seek grant proceeds to construct a health care clinic and economic development for eligible activities for low and moderate income persons. CM Coleman reminded the Mayor and Council that in February 2007, the Council had authorized the purchase and demolition of sub-standard housing located on 4th Street to be used for projects benefiting low to moderate income families for West Carrollton.

According to the grant application, the "West Carrollton Wellness & Success Center" would benefit low and moderate income families within the City of Carrollton. The total amount of the CDBG grant is \$500,000. Should the grant be awarded, the City is obligated to contribute an additional \$200,000. In addition, Tanner Medical Center and other entities have agreed to contribute in-kind funding similar to the City's contribution.

The following health care needs would be addressed: immunization for children, health and wellness visits for adults, and regularly scheduled health care needs for elderly and disabled. Counseling services will include housing and credit counseling, job search/readiness, and referral services for GED and adult literacy and other services as needed.

Motion by Councilmember Byrd, seconded by Councilmember Gray to adopt Resolution 02-2009 approving the Carrollton Housing Authority to seek grant funds for the West Carrollton Wellness & Success Center. Motion passed (5-0).

4. Justice Center Parking Deck

CM Coleman reported that on February 17, 2009, at a public meeting held in Carrollton City Hall, bid proposals for construction of the new Justice Center Parking Deck were opened. Nineteen reputable companies responded to the request for bids. Preliminary indications were that prices would come in at \$4,500,000 - \$5,000,000. CM Coleman stated he was extremely pleased to report that the bid prices were considerably lower than expected, with the lowest base bid price coming from Brasfield & Gorrie Construction Company of Kennesaw, Georgia (\$3,438,500) and the next lowest base bid price from MWC Construction Company of Carrollton, Georgia (\$3,536,346).

CM Coleman stated that he, Alan Bell and Mark Smith of Alan Bell Architect, Inc. had spent a considerable amount of time analyzing these lowest bid documents. CM Coleman noted that he and the architects had met with representatives of the two lowest bid companies in an effort to fully understand their bids and to ensure that their bids were in compliance with the parking deck specifications.

CM Coleman pointed out that, although Brasfield & Gorrie was a very reputable company, they did not bid within the specifications as provided by the architect on at least two (2) major components of the structure. CM Coleman stated that he and Mr. Bell believed this change could create serious problems in the construction of the deck and could affect its overall appearance.

CM Coleman reported that MWC Construction was found to be within specifications in all respects. CM Coleman stated that after further comparison (beyond the base bid price) it was revealed that MWC Construction is in a position to offer substantial savings regarding mass rock, trench rock and auger cast piles as their unit prices regarding these items are more modest.

CM Coleman reiterated that Brasfield & Gorrie and MWC are very reputable companies and are capable of constructing an excellent parking deck. CM Coleman stated that after careful study and consideration of the submitted bid documents, and after conferring with representatives of each company, it is his recommendation that the Mayor and Council award the project to MWC Construction Company. CM Coleman noted that although Brasfield & Gorrie did submit a base bid that is \$97,846 less than MWC's bid, he was very concerned that they (Brasfield & Gorrie) did not bid within the specifications of design and possibly gained an unfair advantage by changing components. CM Coleman stated that Brasfield & Gorrie's unit prices were higher than that of MWC, which complicates the issue further.

At this time Mayor Garner inquired if there were any comments from the audience on the issue. Mr. Keith Johnson, Regional Vice President of Brasfield & Gorrie reported that he had faxed a letter to the City Manager and the Mayor and Council earlier in the day regarding the bid award for construction of the parking deck. Mr. Johnson stated the letter addressed all the technical concerns the City Manager and architects had with Brasfield & Gorrie's bid. Mr. Johnson shared details of the technical concerns and stated that they had not deviated from the bid specifications and they had met bid requirements and Brasfield & Gorrie was the lowest responsible bidder. Mr. Johnson stated that Brasfield & Gorrie objected to the Mayor and Council awarding the bid to any other bidder.

At this time questions were asked of Mr. Johnson of what other projects in the area had been constructed by Brasfield & Gorrie. Mr. Johnson responded that Brasfield & Gorrie had constructed projects for Tanner Medical Center and the State University of West Georgia. Mr. Johnson added that Brasfield & Gorrie had constructed approximately 60 million in projects in Carrollton and utilized up-to 30 local subcontractors.

Motion by Councilmember Balega, seconded by Councilmember Gray to delay the awarding of the Justice Center Parking Deck construction bid. Following a brief discussion, Mayor Garner called for a vote on the matter: Those voting in favor of the motion: Councilmember Balega and Byrd, those voting opposed to the motion: Mayor Garner, Councilmember Maierhofer and Gray. Motion failed (2-3).

At this time, Motion by Councilmember Maierhofer, seconded by Mayor Wayne Garner to accept the City Manager's recommendation and award the construction bid on the Justice Center Parking Deck to MWC Construction. Those voting in favor of the motion: Mayor Garner, Councilmember Maierhofer and Gray, those voting opposed to the motion: Councilmember Balega and Byrd. Motion passed (3-2).

5. Bid Proposal: West Carrollton Recreation Center Spray & Splash Park

Carrollton Parks, Recreation and Cultural Arts Department Director Wayne Gay submitted a request for proposals for the proposed West Carrollton Recreation Center Spray & Splash Park project, which had been put on hold for several years. Companies responding were as follows:

REQUEST FOR PROPOSALS WEST CARROLLTON RECREATION CENTER SPRAY AND SPLASH PARK	
Company Name	Bid Amount
KORKAT, Inc.	\$165,400 (\$155,400 – see paragraph below)
ONE SOURCE AQUATICS	\$154,915
RAIN DROP PRODUCTS, LLC.	No submittal received

CM Coleman advised that it is his recommendation that the project be awarded to KORKAT, Inc. CM Coleman stated that the proposal for KORKAT, Inc. is \$155,400, and that (they initially included preparatory and grading work that was not desired and have reduced their proposal by \$10,000). One Source Aquatics proposal of \$154,915 did not include preparatory and grading work, so their proposal does not change. The City plans to do the preparatory and grading work utilizing City crews, saving approximately \$10,000 on this project.

CM Coleman advised that if approved, the project will be paid for with 2003 SPLOST funds.
Motion by Councilmember Byrd, seconded by Councilmember Gray to award the West Carrollton Recreation Center Spray & Splash. Motion passed (5-0).

6. Georgia Power Franchise Agreement Amendment

CM Coleman presented to the Mayor and Council for their consideration the amended franchise agreement between the City of Carrollton and Georgia Power. CM Coleman advised that the amendment is a result of discussions between Georgia Power and the Georgia Municipal Association regarding differences that have arisen over the years between municipalities and Georgia Power in the administration of franchise agreements. The amendment includes the following:

-Georgia Power agrees to relocate most of their facilities within the City's right-of-way at their expense in response to a City improvement project. Exceptions to this agreement include distribution facilities located on private property at the time relocation is requested or demanded; distribution facilities that are relocated in connection with sidewalk improvements; streetscape projects undertaken for aesthetic purposes; distribution facilities that are converted from overhead to underground installations.

-The City and Georgia Power agree to work cooperatively to minimize costs, delays, and inconvenience to both parties while ensuring compliance with applicable laws and regulations. The City and Georgia Power agree to communicate in a timely fashion to coordinate projects included in the City's Five Year Capital Improvement Plan.

-The City agrees to pay Georgia Power in advance for relocation costs related to streetscape projects.

CM Coleman noted that the amount of the original franchise agreement remains at 4% of gross sales of electric energy as stated in the original agreement dated November 17, 1975.

Motion by Councilmember Maierhofer, seconded by Councilmember Gray to approve the Georgia Power Franchise Agreement Amendment as presented. Motion passed (5-0).

7. Resolution 03-2009: Moratorium on Outside Advertising Signs

Note: This item was removed from the Agenda.

VI. MAYOR AND COUNCIL ANNOUNCEMENTS

Councilmember Byrd: Recognized Police Chief Joel Richards for the job he does and specifically thanked him for his help with area children during the Christmas Season. Councilmember Byrd also commended Human Resource Director Libby Duke.

Councilmember Gray: Advised that he is thankful to see money going back into the community for all projects.

Mayor Garner: Thanked Fire Chief Jimmy Bearden for recently sponsoring a child for the “Fireman for the Day” program.

Councilmember Maierhofer:
There were none.

Councilmember Balega: Suggested that a compliance officer be utilized to make sure various neighborhood housing, in particular, the West Avenue area, be brought up to code. City Manager Coleman advised that the City’s Codes Enforcement Officer was responsible for these type issues and that he would check into the matter.

VII. CITY MANAGER ANNOUNCEMENTS

There were none.

VIII. ADJOURN

There being no further business to address, the meeting adjourned at 6:40 p.m.

The Agenda for Mayor and Council Meetings is available for review in the City Manager’s Office, 315 Bradley Street, Carrollton, Georgia and the City’s website, www.carrollton-ga.gov after 4:00 p.m. on the Friday prior to Council Meeting. The City complies with the Americans with Disabilities Act (ADA). If you will need special assistance at this meeting, the City will try to accommodate you in every reasonable manner. Please call (770) 830-2000 from 8:30 a.m. to 5:00 p.m. Monday through Friday at least 48 hours prior to the meeting. A summary of Agenda items acted upon is available within 48 hours of the meeting at the address and website listed above. Minutes to any previous meeting (once adopted) are available upon request at the number listed above.